



REMARKS

The applicant notes that claims 51 to 71 are in this application and that they have been subjected to a restriction requirement by the Examiner, consisting of Group I, comprising claims 51, 54, and 55, and Group II, comprising claims 52, 53, and 56 to 71. Applicant hereby confirms the election of Group I, claims 51, 54 and 55, and states that all of the claims deal with the same species. The inventorship does not have to be changed with regard to this election.

The Examiner has rejected claims 51, 54, and 55 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention, the Examiner stating that it is not clear what is meant by “the product of (I)” language in the claim.

Applicant states for the Examiner that the “product” that is cured, is the substrate, with the impregnated silane contained therein. The reason that it is stated this way is because the end “product” could be a combination of: hydrolyzed and condensed silane; the reaction product of any reactive groups in the substrate and the hydrolyzed or unhydrolyzed silane, if any, for example, the hydroxy groups of the cellulose in a wood substrate. The language used by the applicant encompasses all of these types of products.

On the basis of the above explanation, the applicant requests that the Examiner withdraw this rejection.

Turning now to the rejection of claims 51, 54, and 55 under 35 USC §103(a), the Examiner has rejected these claims as being unpatentable over Pinchuk U.S. 5,736,251, the Examiner stating that “the ‘251 patent teaches forming a coating on an elastomeric article (i.e. organic) with a silane such as methyltriacetoxysilane that is cured into a homopolymer or copolymer”,

and, the Examiner goes on to state that “the ‘251 reference fails to teach that the coating preserves the substrate, but such an effect would be inherent to the silanes used.”

Applicant disagrees with the Examiner that the ‘251 reference makes the instant invention obvious.

Referring to the claims, and especially claim 51, it is noted by the applicant that the claims are directed to a method of preserving organic and inorganic materials using the steps of **impregnating** an organic or inorganic material with a hydrolyzable silane, or a mixture of hydrolyzable silanes, and thereafter, curing the product formed by the impregnation to obtain a preserved material.

As the Examiner rightly points out, the reference does not teach, suggest, infer, imply, or in any other way, note that preservation is the ultimate goal of the patentee’s invention therein. Further, the reference deals with the hydrolyzable silane as a coating material, and does not teach, suggest, infer, or imply that the silane is used as an impregnant, the required step to gain the preservation desired.

On the basis of these distinctions, the Examiner is requested to withdraw her rejections of the claims 51, 54, and 55.

Turning now to the rejection of the claims 51, 54, and 55, under 35 USC §103(a), as being unpatentable over Leidheiser, et al, the applicant disagrees with the Examiner’s rejection based on the arguments set forth above for the Pinchuk reference, and in addition, would note for the Examiner that since the substrate of Leidheiser is steel, it would be doubly difficult to wet the steel panel with the silane, let alone impregnate it with the silane.

On the basis of the above arguments, the applicant would ask the Examiner to withdraw this rejection

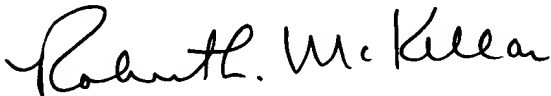
The applicant has amended the specification after the title to reflect the requirement under 37 CFR § 1.62.

The prior art made of record and not relied upon has been reviewed by the applicant and the applicant is in agreement with the Examiner on this point.

On the basis of the above, the applicant respectfully requests that the Examiner withdraw all of the rejections and allow the claims to issue.

Respectfully submitted,

DOW CORNING CORPORATION



Robert L. McKellar
Reg. No. 26,002
(517) 496-5026



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